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ABSTRACT

This report to the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor, U.S. House of Representatives, contains the recommendations of the special task force of the Council of Chief State School Officers on paperwork reduction. The task force's report examines problems with the general management of paperwork associated with Federal educational programs and funds--problems that significantly affect a coordinated Federal/State/local school district data collection effort. The report analyzes data collection and reporting problems associated with specific ESEA Title programs and includes the task force's recommendations on how to alleviate recordkeeping logjams that arise in the administration of ESEA Title I, Title IV, Title VII (Bilingual Education), Title VII (National Reading Improvement Program), and the Emergency School Assistance Act. The task force recommends that Congress enact legislation to provide direct grants to State Education Agencies for the improvement and automation of their statistical and data collection activities. (Author/DS)

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REPORT AND RECOMMENDATIONS

OF THE

PAPERWORK REDUCTION TASK FORCE

OF THE

COUNCIL OF CHIEF STATE SCHOOL OFFICERS

PRESENTED TO THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND

VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

CARL D. PERKINS, CHAIRMAN

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John Allan, Missouri
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William Kirby, Texas
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PAPERWORK REDUCTION TASK FORCE REPORT AND RECOMMENDATIONS

A. INTRODUCTION AND PROCEDURE

This report is submitted by the Council of Chief State School Officers (CCSSO) in response to a June, 1977 request from Congressman Carl D. Perkins (D-Ky), Chairman of the House Subcommittee on Elementary, Secondary and Vocational Education. In his letter Chairman Perkins asked that the Council "undertake a study of the Federal laws and regulations dealing with elementary and secondary education with a view to modifying them to reduce excessive paperwork and to simplify administration." The Chairman suggested the Council "establish a small task force of knowledgable people who could review the suggestions made at our hearings (Paperwork Problems in Elementary and Secondary Education held in Washington D.C., May 24, 25 and 26, 1977) and formulate a set of suggested amendments on their own."

The Council welcomed this opportunity because an earlier study, "Impediments to Effective Federal-State Relations" published in March, 1977, had indicated that legislative requirements at times represent major obstacles to effective administration and efficient program accountability procedures. Accordingly, a task force was immediately established composed of three representatives each from the CCSSO Federal Liaison

Representatives and the Committee on Evaluation and Information Systems (CEIS). A seventh Task Force member holding membership on both of these CCSSO groups also served. This task force met initially on July 20 and 21 to reach a common understanding of the request and to define appropriate objectives for its activities. The group also developed several strategies to identify paperwork and administrative problems created by Federal statutes, regulations or guidelines.

In light of the upcoming reauthorization of the Elementary and Secondary Education Act (ESEA), the Task Force resolved to focus its attention on those legislative provisions having the greatest impact on state and local administration of programs: ESEA Title I, Title IV, Bilingual, Right to Read and Emergency School Aid Act. In addition, the Task Force agreed to discuss, in general, the improvement of Federal management procedures relating to education data collection, statistical use, and data utilization.

The Task Force developed a work plan for each area which took into account the short time frame for completion of the reports, limited staff and pressing work requirements in other areas and the Subcommittee's request for precise information. The following guidelines were adopted for the investigation to insure that the report would address each program in a consistent manner:

- All recommendations address only those administrative and reporting requirements that can be altered

without seriously compromising the purpose of the program.

- Recommendations are based on the premise that programs will continue to operate as they are presently structured, even though the Council will be working for further improvements in the management of Federal education programs through the creation of a separate Department of Education.

Task Force coordinators were named in each of the legislative areas selected and memoranda were sent to each Chief State School Officer, Federal Liaison Representative and CEIS Representative requesting information on data or administrative concerns. Representatives of the Commission on Federal Paperwork, General Accounting Office, Office of Management and Budget and the National Center for Education Statistics were invited to participate in later Task Force meetings. Their participation was an attempt to familarize the Task Force with similar efforts at the Federal level.

This presentation first outlines the general legislative concerns identified by the Task Force, discusses specific program recommendations, and concludes with observations and recommendations concerning the overall management and administration of the Federal data base.

B. GENERAL AREAS OF LEGISLATIVE CONCERN

During the course of this investigation, the Task Force recognized that there were a set of general principles which transcended specific program concerns. The following general recommendations can be viewed as guidelines for the structuring of future Federal education legislation to ensure the most cost effective and efficient delivery of services to children, youth and adults:

- REPETITIVE ANNUAL APPLICATIONS - State and local education officials almost unanimously recommend that Federal programs should contain provisions for multi-year applications, plans, assurances, etc., with annual updates required only to reflect significant changes.

  Little substantive change occurs from year to year in many programs but voluminous annual state or local plans must be prepared and resubmitted which subtract an inordinate amount of staff time from other more productive pursuits. Three to five year applications with appropriate amendments reflecting annual changes would address this reporting burden.

- NON-PUBLIC SCHOOL DATA - In many program areas, State Education Agencies are required by legislation to collect or provide information about nonpublic schools that is not readily available and may exceed their authority to collect. This arrangement should be corrected in existing requirements and should be

avoided in the future. Information on private schools should be collected only as a requirement for direct participation by those schools in a Federal program and not as part of general information systems.

- ADVISORY COUNCILS - The establishment of state and local advisory councils, with the right to hire staff, control their own budget, and evaluate SEA programs does not enhance coordination and efficient operation. These councils have become an additional layer of governance and create unnecessary administrative problems for state and local agencies. In any number of cases, programs have been fragmented from the whole SEA educational context because of a lack of criteria to ensure that advisory councils contribute to a coordinated effort to implement program goals.

- MAINTENANCE OF EFFORT - Maintenance of effort should be required and reported only on a state aggregated basis. This approach would allow the SEA the opportunity to judge exceptional circumstances and make appropriate adjustments based on these circumstances with a minimum of delay and procedural problems. The concept of supplementing rather than supplanting would not be compromised by this approach, but it would permit situations to be resolved on the basis of atypical local situations.

- FEDERAL PROGRAM MANAGEMENT - The lack of a centralized system of grants and program management and organization at the Federal level intensifies the administrative problems faced by state and local education agencies. For example, the program consolidation of Title IV-B and IV-C was not paralleled by an administrative consolidation within the U.S. Office of Education.
- DUE DATES - Sufficient response time should be provided in program announcements for recipients to prepare their applications. Sixty days is a minimum time period for such response. In addition, announcements of contract or grant awards should be made sufficiently in advance of program initiation to permit proper employment or deployment of personnel and maximum resource planning.
- SET-ASIDES - Set-asides for specific programs (i.e. handicapped in Title I) tend to fragment the purpose of original programs and increase administrative inefficiency in program management. The administration of programs aimed at the same populations should be consolidated into appropriate current legislation. A case in point is P.L. 94-142.
- DATA COORDINATION - The coordination and reduction of Federal data collection can be achieved through increased emphasis on a rationale for such collection and pre-scheduled periodic audits of data

utilization after collection. This practice pertains to both legislative and regulatory requirements. It is recommended that, whenever possible, state and Federal data collection activities and deadlines be coordinated and that the U.S. Office of Education be allowed to negotiate agreements with individual states where state law and Federal data requirements are not compatible. Toward this end the Congress and the U.S. Office of Education should consult state leadership bodies such as the National Conference of State Legislatures as well as other appropriate education organizations to determine how this coordination can best be achieved.

- STATE ADMINISTRATION OF PROGRAMS - All programs should be administered by the State Education Agency (SEA) unless there is a compelling reason for centralized Federal management. Right to Read and Bilingual programs offer two examples of the negative results of by-passing State Education Agencies. Direct Federal administration of programs handicaps effective management because it eliminates the possibility of coordinating Federal/state/and local emphases to achieve maximum student benefit for dollars expended. In addition, it does not allow the flexibility necessary to set objectives to meet specific state and local needs, and forces the promulgation of complex rules and guidelines that tend

to confuse rather than simplify program or project reporting and administration. The Office of Education is not in a position to know and adapt to special circumstances existing at the local level, and tends to compensate by requiring excessive paperwork in order to gain the same knowledge that the State Education Agency possesses.

C. RECOMMENDATIONS BY PROGRAM AREA

The following pages document the specific problems identified by the Task Force in individual sections of the legislation, suggests alternatives to correct the problems and projects the impact of implementing that alternative.

The recommendations for each program area address both the problems of excessive paperwork and reporting requirements and the simplification of the administration of these programs. If implemented, they would make a substantial contribution to the improved management of Federal education programs. In addition, those recommendations which have policy implications beyond the paperwork and administrative problems are marked with an asterisk.

ANALYSIS OF TITLE I
ELEMENTARY AND SECONDARY
EDUCATION ACT

Paperwork, Reporting and Administration
Problems and Recommendations

PROPOSED CHANGES TO ESEA

TITLE I

Identification or Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Penalty for non-compliance with comparability requirements is unreasonable and severe.	The penalty for non-comparability includes the forfeiture of all Title I funds after December 1. The penalty is applied even when only one campus is in violation by a small amount. Given the complexity of comparability and and the potential for human error, the penalty is too severe.	-R & R: Section 116a.26(b)	Institute a more reasonable penalty for noncomparability such as: 1. return of only those funds required to have been expended to make the district comparable, or; 2. return of Title I funds for those Title I campuses found to be not comparable.	Allow a more reasonable approach to consider human error especially when there is no intent to avoid comparability requirements. Prevent penalties being applied to schools which have compiled but are included in non-comparable districts
Annual applications must include information which is often redundant.	The necessity of preparing and submitting a new application every year, regardless of the extent of program changes anticipated, increases questionable paperwork burden at both state and local level.	-ESEA I, P.L. 89-10 Section 103 -R & R: Section 116a.5	Funds should be allocated to the state on a current formula basis. Funds to local districts would be suballocated by the state.	Elimination of confusion at the LEA level and excessive computations at the SEA level.
Data required in the application for funds is more detailed than neccessary.	Numerous specific descriptions of services are required on applications including dissemination procedures, public information, benefits from other sources, equipment previously acquired, coordinated training, etc.	-P.L. 89-10 Section 141(a) -R & R: Section 116.44, 116.45, 116.32(a) 116.34	The amount of detail required in applications should be reduced. Signed assurances should be substituted wherever possible.	Reduction in the length of applications and processing time expedited.

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
*County allocations for Title I funds causes confusion in suballocation to districts.	Currently, allocations are made at county level. State must suballocate to school districts. Districts which cross county lines are subject to different payment rates because of hold-harmless provisions.	-ESEA I, P.L. 89-10 Section 103 -R & R: Section 116a.5	Funds should be allocated to the state on a current formula basis. Funds to local districts would be suballocated by the state.	Elimination of confusion at the LEA level and excessive computations at the SEA level.
Comparability requirements for special programs pose additional reporting problems to local districts.	Mini-comparability reports are required for special education programs for the handicapped and children with limited English-speaking ability when they are excluded from the regular Title I comparability report.	-R & R: Section 116a.26(1)(3)	This requirement should be eliminated especially for handicapped children who are now guaranteed full services by states participating in programs authorized by P.L. 94-142, Education for all Handicapped Children Act.	Significant reduction in reporting requirements for districts excluding special education programs from Title I comparability.
Proposed expenditure reporting requirements create major problems for state and local education agencies.	The proposed changes would require: 1. increased reporting 2. retro-active reporting and 3. reporting in categories not compatible with accounting handbooks.	-Federal Register, Volume 42, No. 74, 4-18-77, Par. 9 (proposed requirements)	Reject proposed regulations and continue present system of reporting expenditure totals only.	Prevention of major increases in reporting requirements.

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
*Parent Advisory Councils in large Title I districts for each school building diverts considerable time and money from instruction.	Districts whose combined enrollment for Title I campuses is over 1,000 students must have campus Parent Advisory Councils in addition to district-wide council.	-R & R: Section 116a.25	Parent Advisory Councils for each campus should not be required regardless of enrollment when the allocation is less than $50,000.	Reduction in materials reproduction and time spent in meetings. Parent participation concept preserved and strengthened.
*Sufficient funds are not given to states to support their administrative responsibilities for Title I.	Continually, states are given more responsibility for administering and monitoring Title I programs, yet funds to the states for this purpose have remained constant. In addition, the service purchasing power of the Federal contribution has been eroded greatly by inflation.	-P.L. 89-10 Section 143(b) -R & R: Section 116.4	Allowable administrative expenses should be increased to 1.5% or $300,000 whichever is greater.	More effective administration of Title I programs at the state level.
Accounting procedures for funds carried over are time-consuming and result in confusion.	Funds which are not used in one year may be carried over for use in the following year. These funds must be accounted for separately.	-R & R 100(B) 301 A-102 revised Sept. 2, 1977 attachment G.2(b), (d) May 28, 1970 letter to Chief State School Officers from Lilly White.	States should be able to attribute funds expended at the beginning of the new fiscal year to funds carried over from the previous year.	Simplification of complex accounting procedures. Audits would be more timely and less confusing.

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Deadline for evaluation report is unreasonable.	Reports must be submitted by November 15.	-R & R: Section 116.7(a)	Deadline for submission of reports should be extended to January 31.	Provide adequate time period to complete reports.
Comparability reporting by all districts uses valuable staff time and resources unnecessarily.	All districts in a state must complete OE form 4524-A. In Texas, with almost 1,000 districts participating, less than 150 actually need to report. In Minnesota, some 375 districts are adversely affected by this requirement.	-R & R: 116a.26 as interpreted by USOE officials.	Only districts required to demonstrate comparability need complete the form. SEA should determine which districts will report based on the data included in Title I applications.	Significant reduction in unnecessary reporting.
Applications for migrant funds must be forwarded to USOE unnecessarily.	Within ten days after SEA has approved an LEA application for migrant funds, a copy must be sent from the SEA to USOE.	-R & R 116d.6(b)	This requirement is unnecessary and should be eliminated. The SEA maintains this information and can answer any questions which might arise from USOE.	Reduction in unnecessary collecting and transmitting of migrant applications.
The process for obtaining a waiver for a maintenance of effort percentage reduction of more than 5% is time-consuming.	In cases where exceptional circumstances make it impossible for an LEA or SEA to maintain effort within the allowable percentage limits, the U.S. Commissioner may waive requirements. Too much time is required for the state to demonstrate the problem to the U.S. Office and to process the waiver.	-P.L. 94-482, Section 431A	The State Education Agency should be the agency designated to grant waivers.	Reduction in data gathering activities at the state level and in time-consuming communications with USOE about extenuating circumstances which merit a waiver. Alternative would reduce the time required to process waiver requests.

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
*State funds for handicapped children.	State agencies serving handicaped children in state schools must continue to count children after they have left the state institution to enroll in an appropriate LEA program. It is almost impossible for SEAs to identify the LEAs to which the children return in order to transfer funds from the state institution to the LEA.	-Section 121(d) ESEA -R & R: 116b.39-41	Law should be amended to eliminate requirement. Program should be transferred to 94-142 provided that funds for state operated schools are held harmless at a level of 85 percent.	Elimination ot time-consuming monitoring of handicapped children served by state funds. Appropriate legislation would be respon sible and children who have been deinstitutionalized would not be funded at an artificially high level.
Low rent housing programs	Children in areas receiving low rent housing funds are served by a separate Title I - type program yet states really don't administer the program.	-P.L. 81-874 Section 5(e)	Eliminate categorical nature of low rent housing funds and require that funds be processed as part of the regular 874 impact aid.	Significant reduction of complex accounting procedures. Would allow districts more flexibility in the use of funds.

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
*Title I services in desegregating districts.	Services provided in LEA's undergoing desegregation cannot follow the children.	-R & R: 116a.20	Amend law to allow the services to follow the child.	Preservation of continuity in services to children in Title I programs.
Reporting of complaint investigations	Extensive reporting is required on each complaint received by the SEA and submitted to USOE.	-R & R: 116.7(b)	SEAs should be allowed to handle complaints and dispositions with no routine reporting to USOE required.	Reduction in amount of paperwork. Records would be kept at the SEA to verify actions.
Construction and/or remodeling of school buildings.	Any expenditure of $2,000 or more for construction or remodeling requires compliance with the Davis-Bacon Act. Entails extensive paperwork, interviews and documentation.	-P.L. 91-230 Section 401(a)(10) -P.L. 92-318 Section 433 -R & R: 116.32 Section 100b.187	Limit on level of expenditures should be increased to $15,000 before requiring compliance with the Davis-Bacon Act.	Significant reduction of administrative burden and paperwork on small construction and remodeling projects.

ANALYSIS OF ESEA, TITLE IV (AS AMENDED BY P.L. 93-380)

Paperwork, Reporting, and Administration Problems and Recommendations

ANALYSIS OF ESEA, TITLE IV, (AS AMENDED BY P.L. 93-380)

Paperwork, Reporting and Administration Problems

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Single LEA application requirement and a common deadline date is not appropriate to the nature of funding and administering these sections.	LEAs can only be required to submit one application for both Parts B & C. The time frames for Part B submissions do not always allow effective planning to develop Part C proposals. The nature of the formula eligibility determination under Part B and the competitive grant procedures under Part C require different processes.	-ESEA, Title IV Section 403 (a)(7) -R & R Part 134.17, 134.37(b) -Comments: No. 14, p. 53487, No. 20, p. 53488, No. 27, p. 53489	Amend Section 403 (a) (7) and Rules and Regulations, Part 134.17 & 134.37(b) in the law to delete the single application requirement and substitute provisions for separate applications for Part B, Part C.	a. Increased LEA participation b. Higher quality application c. State administrative work load for Title IV will be redistributed allowing more effective LEA assistance and proposal review d. Applications can be phased to correspond with school term schedules and allow LEA workload distribution e. More accurate statistical data could be obtained with different deadline dates f. Replication projects can be funded at the time a district is ready to adopt g. Since Part C discretionary grants delay submittal dates, Part B funds cannot be released early in the fiscal year enabling implementation of programs in the same fiscal year in which money is given

23

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Annual program plans create an added burden on SEA and provide redundent information to USOE.	Participating states annually submit a state plan in "such detail as the commissioner deems necessary." This is largely a repetitive process providing the same assurances and program content that are already on file with USOE for prior years.	-Annual application process is specified in Section 434(b) (1) (A)(i) and Section 434 (b) (1) (B), General Education Provisions Act -R & R on State Administered Programs 100b. 18 (1/7/76) -R & R 134.10, p.53495	Amend part 100b.18 and part 134.10 of the Rules and Regulations providing for a 5 year program plan, including assurances, while allowing a simple annual amendment process for changes to the plan. Amend Rules and Regulations 134.10: Exempt Title IV from annual program plan in the Section 434(b) (1)(A) (i) and Section 434 (b) (1) (B) of the General Educational Provisions Act.	a. SEA effectiveness would be enhanced because time could be used for technical assistance to LEAs and evaluation b. Evaluation plans would improved to include longitudinal time frames c. SEA and LEA planning processes would be improved and higher quality long range plans would result d. State legislative conflict reduced e. USOE personnel would have more time to monitor and provide technical assistance to SEAs
State Advisory Council role conflicts with SEA's administrative, evaluation, and employment policies.	Duties assigned to Title IV advisory councils often conflict with the role of the SEA or state board of education to approve programs, provide evaluation, and employ staff. Ability of committee to employ separate staff may set up situations which foster undesirable conflicts.	ESEA, Title IV Section 403 (a)(6); 403 (b)(1)(C); 403 (b)(1) (D); 403 (b) (4) -R & R 134.55 and 134.56	Amend law to create a role for the advisory council which is advisory in nature by deletion of parts of duties in Section 403(a) (6); 403 (b) (1) (C); 403 (b) (1) (D); 403 (b) (4), and Rules and Regulations 134.55 and 134.56.	a. Reduce role conflict in states because of constitutional and legislative provisions which govern SEA operations b. Allow advisory councils to evaluate policy impact upon population beneficiaries and advise agency impartially in all dimensions without setting the state's policy directly c. *Allow council to evaluate policy and overall program effectiveness rather than individual project evaluation

Identification of Paperwork Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
State Advisory Council required meeting date	The law requires a meeting 30 days after the start of a new FY. The councils usually meet just prior to the new FY to approve the plan.	Section 403 (b) (3)	Repeal required meeting time frame or change to make first meeting 90 days after new fiscal year.	a. Allow for more meaningful agenda b. Make the required meeting a working meeting rather than just a get acquainted exercise c. Efficient use of Title IV resources
Required collection of all private school expenditure data is not possible in many states.	Similar data to that required of public schools is not readily available for nonpublic schools. SEA often does not have the authority to or cannot enforce the collection of data from nonpublic schools. There are subtle differences which the law requires to provide services to nonpublic school students and collect data from nonpublic schools which students may attend and which may not be located in the students' resident school district.	Section 403 (a) (11), as amended by P.L. 94-482. -R & R 134.21, & 134.41	Amend Section 403 (a) (11), as amended by P.L. 94-482 to eliminate expenditure and maintenance of effort data collection from nonpublic schools or, provide an exemption to states that are not legally charged with authority to collect data from nonpublic schools.	a. Eliminate SEA administrative duty to collect data that is hard to obtain and inaccurate b. Focus on nonpublic school student services rather than relationship to expenditures of nonpublic schools c. Eliminate comparisons of costs of public vs. nonpublic schools which are often noncomparable or grossly distort realities d. Allow public school officials to provide reassurable services to nonpublic students independent of pricing out costs e. LEA burdens, paperwork, etc., would also be reduced.

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Annual grant procedures do not accommodate continuation proposals for Part C innovative/exemplary projects.	Unnecessary repetitive administrative burdens are required to administer programs of potential two to three year projects because these projects must compete annually with new projects.	The single application requirement in Section 403 (a) (7) precludes the continued funding of 2-3 year projects without competitive submissions each year.	Amend Section 403 (a) (7) to allow flexibility in application procedures for multi-year projects.	a. New LEAs could enter Part C but would help assure others with the possibility of extension b. Would improve design of projects c. Improve evaluation of projects d. Minimize recycled paperwork on annual approval of continuation projects
*Inclusion of guidance, counseling, and testing in Part B is not compatible with basic provision of Part B.	Guidance and counseling are activities which do not fit other programs under part B. Part B primarily relates to acquisition of library and and institution resources and minor remodeling. Counseling and guidance is primarily a service, not an acquisition program.	Section 421 (a) (3) -R & R Part 134.a. 2(c). -Comments: No. 43, 46 & 47 pp. 53492-93	Repeal guidance and counseling language from Part B, Section 421(a)(3) and reauthorize as a separate part in Section 431 (a) (1).	a. Would allow services to be provided under its own authority b. Clarifies Part B

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Complete applications are required for some school districts for small amounts of money.	Complex, detailed applications are required for small amounts of money which cannot be expected to have a measurable impact upon a school district.	-Annual allotments specified in Section 402 shall be set forth in a program described in Section 403 (a)(2) -R & R Part 134a.2	Amend Section 134a.2 Rules and Regulations to set an amount under which LEAs would only maintain expenditure records; or permit LEAs to apply for two fiscal year allocations.	a. Less administrative work for small LEAs b. Increase small school participation c. Reduce administering, monitoring, and evaluation workload of SEA on small projects
Formula for Part B high cost student projects and LEA tax efforts for education involves inconsequential amounts of money which does not warrant either SEA or LEA efforts to program, monitor, and evaluate.	The formula results in three allocations of funds; basic, tax effort and high cost. High cost is further divided by gifted and talented and bilingual, and in some states more, plus the nonpublic component. R & R 134 (a)(3)(a) states that money must be spent in certain areas while at the same time 134.15 states each LEA will be given complete deiscretion. Section 134a.3a goes beyond the intent of the law because the small amount of funds for high cost children in the typical district makes it impractical to track dollars to insure they are specially allocated only to the high cost child.	403 (a)(4)(A)(i)(ii) -R & R 134a.3a	Amend Section 403 (a)(4)(A)(i)(ii) of the law and Rules and Regulations Section 134a.3a and to allow states the option of utilizing high cost students and tax effrt comparison parts of the formula as provided in their state plan provisions.	a. Avoid excessive administration and control of small expenditures which have minimum impact b. Allow LEAs sole discretion for all funds under basic grant

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Set aside funds for handicapped children not necessary in light of P.L. 94-142	Fifteen percent of all Part C funds allotted will be utilized for handicapped children. Recent enactments of handicapped laws by states often fix supervisory or administrative responsibility in SEAs. This sets up conflicting policy and administration in administering programs in federal laws which have special set asides.	Sections 403 (a)(8)(B) -R & R Sections 134.18(b) & 134.2 definition of "children with specific learning disabilities."	Repeal Section 403(a)(8)(B) and transfer authority to P.L. 94-142 in light of its comprehensive mandate to serve all handicapped children in all school districts and every state. Repeal Rules and Regulations Section 134.18(b) & 134.2 definition of "children with specific learning disabilities."	a. Reduce duplicate administrative efforts b. Focus technical assistance experts in learning disabilities program rather than spreading them over several ESEA programs c. LEAs must meet P.L. 94-142 to provide complete services to all handicapped children.
Lack of centralized program administration at USOE.	Program plans from SEAs must go through several different organizational units of administration and signoff at USOE. USOE is organized to accomodate the original enactments which make up ESEA, Title IV. Jurisdictional conflicts often delay decisions, approval processes, and response to requests for rulings and investigations.		Strongly recommend that OE organize and administer programs more effectively. Require automatic approval of plans if approval is not received from USOE within 60 days of submission.	a. Less delay in sending allocations b. Faster approval of annual plans c. Faster decisions on appeals and requests for information

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
*Programs from the Special Projects Act should be consolidated into part C to assure each state some of the resources available to carry out congressional intent.	Several programs in the Special Projects Act are of concern to every state, and resources are needed to stimulate programs. Programs for the gifted and talented, community schools, consumer education, and career education are examples.	Special Projects Act, Section 402 of P.L. 93-380.	Amend Special Projects Acts, Section 402 of P.L. 93.380 to transfer all programs and their appropriations to ESEA, Title IV, Section 431(a) and expand Rules and Regulations 134b.2.	a. Consolidation of programs into Part C to increase resources and scope of programs available to LEAs in every state b. Increases chance for expanded competition in Part C by providing more providing more programs
*SEAs should be held harmless to reductions in allocations because of formula factors.	States have experienced reductions because of changes in enrollment which influence formulas to distribute funds among the states.		Hold harmless states by providing in the law one year advance notice of allocation change due to population reductions or mandated formulas changes that would yield reduced allocations to states.	a. Maintain program continuity in all states b. Provide for planned phase-down in services c. Give LEAs lead time to phase out current projects and look for alternative sources of support d. Provide SEAs advance notice to accommodate staff reductions

29

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
ESEA Title IV references sent from USOE proliferate de facto rules and regulations expanding scope of law and regulations and create more paperwork.	There have been 36 memorandums sent from USOE since 1975 that expand program requirements.	No legal citation in either the Act or the R & R.	Institute federal policies and practices which would require OMB clearance prior to requiring state actions.	a. Reduce the incidence of situationally expedient OE administrative decisions b. Prevent "under way" confusion and imposition of additional workload and paperwork for SEAs and LEAs c. Insure proper legal interpretations and policy control of OE administrative practices
Separate accounting procedures for SEA administrative funds under Parts A, B, and C.	Currently 5 percent of the combined total minus 431(a) (3) may be used for state administration. Because the grant award come from two sources it necessitates separate accounting systems for each part and requires burdensome time accounting for employees paid from both parts. Many times SEA administration of Title IV cannot be easily separated into Parts A, B, and C functions.	Section 403 (a)(8)(A) -R & R Part 134.18(a) (Note example under 134.18)	Amend Section 403 (a)(8)(A) of the law and the Rules and Regulations (134.18(a) to provide that 7½ percent of total funds received or $225,000, whichever is greater, be used for administrative pupose of the SEA and that separate accounting not be required.	Result in one accounting system for administration which will: a. Reduce paperwork at SEA b. Provide for more efficient use of personnel c. Facilitate federal fiscal management reporting

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Handicapped persons must be guaranteed access to programs in constructed and repaired facilities.	The annual plan shall assure that any funds spent for repair or remodeling will provide access to the part remodeled or repaired to the handicapped. This is also covered under new Section 504 regulations of the Rehabilitation Act of 1973 which requires all facilities to be accessible for the handicapped.	Section 403 (a)(9) -R & R Part 134.19	Repeal Section 403 (a)(9) and Rules and Regulations 134.19.	a. Centralize rules for program access of handicapped in Section 504 regulations b. Eliminate repetitive assurances provided in 504
Allocation of unused funds.	Some LEAs in each state may not apply for funds for which they are eligible. States should not lose these allocated entitlements..	Section 402 (b)	Clarify law by amending Section 402 (a) of the law giving the SEA authority to reallocate unused funds according to provisions of the state plan filed under Section 403. Funds should be combined with the next year's allocation and distributed according to whatever formula is in effect.	a. States would not lose any part of their entitlement b. Reallocation could be made promptly and efficiently c. Services would go to populations intended to receive them.

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Waiver of maintenance of effort requirements by the Commissioner.	Currently there is disagreement over whether maintenance of effort applies only at the SEA level or at both the SEA and LEA levels. If maintenance of effort is the aggregated amount or per pupil amount of the SEAs and LEAs, then the Commissioner's waiver should apply only to the SEA, and the SEA in turn should have the authority to consider individual maintenance of effort reports of LEAs.	Section 403 (a)(11) -Proposed R & R (November 22, 1976), pp. 51553-4	Amend Section 403 (a) (11) of the law to provide that the SEA is solely responsible to provide waivers to LEAs.	a. SEA is responsible for education as a state function b. Speedy resolution of appeals by LEAs c. Data for LEAs often on file at SEA for necessary evaluation
Maintenance of effort requirement for Part C discretionary grants.	Part C is designed to provide special innovative/exemplary projects. These are not daily occurances or ongoing adopted practices when they are initially proposed, therefore, they should not be treated as a maintenance of effort area.	Section 403 (a)(11) as amended by P.L. 94-482 and the proposed regulation published in November 1976.	Section 403 (a)(11) as amended by P.L. 94-482 should be amended to eliminate Part C from maintenance of effort requirements.	a. Eliminate an unnecessary and unreasonable data collection for this purpose b. Save considerable administrative effort and time at SEA and LEA levels.

Identification of Paperwork Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
*Provision for allowing LEA planning and evaluation grants out of SEA 15 percent set aside for strengthening state educational agencies.	Subpart D allows the SEA to expend funds to LEAs for planning and evaluation-type functions. Originally, separate authorizations, but not appropriations, were provided to support strengthening LEA leadership and services.	Section 431 (a)(3) -R & R Subpart D, 134b.30 -Add changes to 134b.2	Amend Section 431(a)(3) and Rules and Regulations Subpart D, 134b.30 to eliminate utilization of 15 percent set aside for LEA activities and include such authorization under Section 431(a)(1), Part C programs.	a. Expand use of Part C competitive grants and funds b. Reserve 15 percent SEA set aside solely for use of SEA
*Antiquated provisions contained in the law relating to initial implementation of ESEA, Title IV as amended by P.L. 93-380	Throughout the law and the regulations there are numerous references to previous years when the consolidation was first triggered and implemented. Presently, these provisions serve no useful purpose and the administration at the federal and state level is confused by their existence. It would also seem improbable to go back to the old laws in the event authorizations dropped below the "trigger" level.	ESEA, Title IV, Section 401, 402(B), 421 (b), 431 (b) -R & R Parts 134.18, 134.38 (a) & (b), 134.15	Amend Sections 401, 402, 421 & 431 as well as Rules and Regulations Part 134.18 & 134.38 to eliminate excess and unnecessary provisions from the laws and language relating to former practices and programs, and repeal original enactments and incorporate necessary non-repetitive language within the current law to insure the programs will be continued.	a. Clarify ESEA, Title IV b. Clarify rules and regulations c. Provide a basis for future consolidation.

ANALYSIS OF ESEA, TITLE VII

BILINGUAL EDUCATION

Paperwork, Reporting, and Administration

Problems and Recommendations

PROPOSED CHANGES TO ESEA

TITLE VII, (Bilingual)

Identification of Paperwork, Reporting and Adminstration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Federal administration of a local education agency grant program.	Each local education agency submits application directly to the office of education. This bypass of the state education agency has created problems in the following areas: a. Too much time is allowed to lapse between submission and approval of proposals. This results in some bilingual projects being terminated and personnel being laid off because of lack of funds. b. Unrealistic data and evaluation reports are requested on applications. The data gathering effort reduces staff time available for service delivery, yet the required data is often available at the state level. c. Each LEA requesting funds must submit up to 7 applications, as well as 7 evaluations.	-Title VII 93-380 -R & R: 123	1. Amend legislation to administer program through state education agencies with appropriations for state administration with a hold harmless provision for term of existing projects or a minimum of 1 year. 2. Development of multi-year application and funding.	1. Permits integration of federal/state/local efforts to meet particular state and local needs without impairing national objectives. States would be permitted to set priorities, improve coordination, and provide leadership in bilingual education. 2. Multi-year funding would permit long-range planning. Federal funds would be added to state funds, and local education agencies would be awarded funds based upon a statewide needs assessment.

Identification of Paperwork Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
	d. Feedback and dissemination of research materials from the federal level is limited. Because of lack of direction, LEA programs are slow to improve.			
	e. State and federal programs are uncoordinated and often result in conflicting application and evaluation requirements. State bilingual legislation may differ from federal rules, causing confusion and distrust at the local level.			
	f. Definitional problems: e.g. there are no guidelines for identifying children of limited English-speaking ability and classifying them. This results in a great deal of paperwork to cover every possible measurement of students conducted by the school.			

ANALYSIS OF ESEA TITLE VII

P.L. 93-380 AS AMENDED

(National Reading Improvement Program)

Paperwork, Reporting, and Administration

Problems and Recommendations

ANALYSIS OF TITLE VII P.L. 93-380 AS AMENDED

(National Reading Improvement Program)

Paperwork, Reporting, and Administration Problems

Identification of Paperwork Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Federal Administration of a local education agency grant program.	Currently the state education agency ranks projects for approval by the commissioner of the office of educaton. After completion of this ranking process, which can be disregarded by USOE, all dialogue is between USOE and local districts, some conflict and confusion is created when USOE awards grants to lower ranked districts at the exclusion of projects ranked higher by the state education agency.	-Title VII P.L. 93-380 as amended -R & R: 162	Parts A and C should be amended to assign grant administration responsibility and authority to state education agencies with commensurate appropriations to defray costs.	Approved projects are more likely to be consistent with state goals and objectives yet remain supportive of legislative intent. State agencies will have greater control over and knowledge of status of reading and related activities.

41

Identification of Paperwork Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Late approval of project caused by delays in the grants and procurement procedure causes administrative complications and necessitates project modifications.	Title VII regulations emphasize staff development, in-service, and pre-service training. During FY 1977, project applications which included pre-service training to take place during the summer months were not approved until August 30, resulting in cancellation of planned summer training activities. This may further result in failure to expend all alloted funds, which subsequently reflects badly on that grantee when request for following year's funding is evaluated. Lateness in notification also created problems with state education agency leadership and training grant activities.	-Title VII, P.L. 93-380 as amended -R & R: 162.14(b) (3)	Written confirmation of award must be received by requesting agency no later than sixty (60) days prior to project start date.	Will allow grantee adequate lead time to properly implement program, hire staff, etc., resulting in more effective program operation.

42

Identification of Paperwork Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Unrecompensed administrating costs incurred by SEA's in pre-screening applications.	Federal regulations require state agencies to review all applications and recommend to Washington ten best applications. In large states, 100 or more applications may be submitted. Substantial cost are incurred in screening all applications (e.g. New York State - $2,000 plus 50 hours professional staff time.) Compounding this situation total grant awards may be miniscule, especially in comparison to total state budget (e.g. only $80,000 in New York State.)	-Title VII, P.L. 93-380 as amended -R & R 162.13	Implementation of full state administration and appropriate funding to defray costs associated with program management. Amend legislation to include a 5% set-aside (or $5,000 whichever is greater) to cover costs of reading improvement project administration.	Provide reimbursement to states commensurate with direct administrative costs incurred by states in responding to legislative directives.
Redundant Reporting	Quarterly financial reports and mid-year performance reports are considered to have limited use and constitute an unwarranted burden at both local and state education agency level.	-Title VII, P.L. 93-380 as amended	Eliminate requirement for "Quarterly Financial Report" and mid-year performance reports.	Reduction of data burden without sacrificing provision of needed information.

PROPOSED CHANGES TO
THE EMERGENCY SCHOOL ASSISTANCE ACT

Paperwork, Reporting and Administration
Problems and Recommendations

PROPOSED CHANGES TO ESAA

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Application dates	The Secretary may from time to time set dates for applications. Variations in dates for applications produce additional hardships in not being able to adequately plan for man power and information required for complete applications.	-Section 710 (e)	Specify a time, i.e., within a set number of days following the beginning of a fiscal year when application will be due.	Provide better local education agency coordination and planning for data collection, public hearings, board approval, etc.
H.E.W. reports to Congress	The Secretary is to report twice annually to the President and Congress on the progress of ESAA. This twice yearly reporting causes HEW to place greater demands upon local education agencies for data.	-Section 714	Amend Section 714 to require annual reports.	Reduces data burden on local school districts and relieves HEW of a processing burden.
Race/Ethnic Categories	The race/ethnic categories provided in this law do not fit the standard categories promulgated by the Office of Management and Budget.	-Section 720 (9) A & B	Amend Section 720 to require race/ethnic categories to comply with OMB standard categories.	Reduces record keeping and reporting burden by providing the same categories for all Federal agencies.

PROPOSED CHANGES TO ESAA

Identification of Paperwork, Reporting and Administration Problems	Brief Description	Law and Regulation Citation	Recommended Alternative	Impact of Alternative
Data collection	The Secretary of HEW "may" collect such data at such times as he so desires.	-P.L. 92-318 Title VII -Section 706 (d), 710 (a), 710 (a) (16).	Amend legislation to limit data collection to data absolutely necessary to ascertain eligibility, compliance, and problem achievement by requiring public notification of data use plan and relationship of processed information to objectives referenced above. Set a standard time for reporting and allow nine months advance notice in new reporting requirements. Coordinate information collection with OCR data collection efforts.	Eliminates "nice to know" data, reduced data maintenance burden, provides adequate lead-time for collection of data and establishment of data bases.
Multitude of Assurances	The Secretary may request any and all assurances to provide for a large number of potential compliance problem areas. Assurances may also commit the applicant to as yet unpublished regulations. (As evidenced in Section 504 of the Vocational Rehabilitation Act Regulations Recently Proposed.)	-Section 710 (a) (5) and (16).	Develop a multi-purpose assurance covering all contingencies currently under law or regulation. Limit assurances to current law or regulation.	Reduces paperwork. Prevents legal problems of committing to unknown future regulations.

47

64

65

D. GENERAL COORDINATION AND MANAGEMENT OF FEDERAL DATA COLLECTION ACTIVITIES

Data collection and data burden problems in specific programs have been described and solutions presented in other sections of this report. However, there are problems with the general management of paperwork that significantly affect a coordinated Federal/state/local data collection effort.

These management problems have been highlighted on a number of occasions, most recently, during hearings before the House Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor held on May 24, 25 and 26, 1977. In addition, Section V of the April 29, 1977 Report of the Commission on Federal Paper Work-Education, entitled "Management Controls," contains 12 specific recommendations dealing with "management techniques to resolve entire groups of paperwork problems." (See Appendix C).

The Council of Chief State School Officers enthusiastically supports the Commission's 12 recommendations. The Council urges the Congress to pay particular attention to:

- Recommendation Nos. 30, 32, 33, 35 and 36 dealing with the overall coordination of education data at the Federal level. The Council recommends that the Congress direct the Assistant Secretary for Education to "develop the capacity of the Education Division to provide

promptly, for multiple use by agencies, data already collected such as in surveys, applications, compliance reporting, management reporting, financial reporting and evaluation, and limit any further collections to those items not already in hand." The Council further recommends that the Congress assign this activity to the National Center for Education Statistics (NCES) and provide adequate funding for its implementation.

- Recommendation No. 31 deals with NCES handbook recommendations. It asks that "The Assistant Secretary for Education should use, as a common reference for all terms and definitions used in education data collection, the set of handbooks prepared by the National Center for Education Statistics for that purpose, and all forms submitted for clearance should be made to conform to those terms and definitions." The Council recommends that all legislation requiring the collection of education data mandate the use of handbook definitions.
- Recommendation Nos. 34, 36 and 38 deal with the concept of providing adequate lead time to respondents for providing requested information. The Council recommends that the legislation require that Federal agencies, and the Congress, make known to respondents their specific data collection plans and requirements 9 months in advance of actual data collection.

- Recommendation 37 asks that: "The education committees of Congress...should review in every third Congress, beginning with the 95th Congress, the reports and studies they require of the Department of Health, Education, and Welfare in order to eliminate those no longer needed, consolidate those that can be combined, and make the remainder compatible with an overall plan for reporting." The Council urges the Congress to implement that recommendation immediately.
- Recommendation Nos. 39, 40 and 41 are concerned with assuring that prospective respondents will have the opportunity to provide consultation and comment prior to the final definition of reporting requirements. The Council has favored such involvement for a long time and has served actively in an advisory role through its Committee on Evaluation and Information Systems (CEIS), whenever opportunities became available. The Council recommends that all legislation requiring the collection of education data mandate the involvement of respondent groups, or their representatives, prior to the final definition of data collection plans. The Council further recommends that the Congress hold hearings on data burden prior to the enactment of legislation requiring the collection of education data.

The Federal government has long recognized that Federal statistical programs will be upgraded in direct proportion and relationship to the improvement of such programs at the state and local levels. That concept is embodied in the Federal-State Cooperative Systems of Data Collection. Such cooperative systems, which often involve direct financial assistance to states, have become operative in the Department of Labor, the Bureau of the Census, the Law Enforcement Assistance Administration and the Department of Agriculture; other examples include the Cooperative Health Statistics System and the Medicaid Management Information System.

In the area of education, assistance activities have had an uneven history. In the first half of this century, a number of national attempts were made to improve information about the condition of education in the United States. Those efforts were directed primarily at improving uniformity in the definition of educational terms and the reporting of educational statistics culminating in what has now become known as the Handbook Program of the National Center for Education Statistics.

It was not until 1958 that Federal assistance activities to improve educational information took the new direction of providing funds. In that year the National Defense Education Act was passed by Congress. Section 1009 of Title X of that Act was designed to assist "the states to improve and strengthen the adequacy and reliability of educational statistics provided by state and local reports..." It provided to each

state up to fifty thousand dollars of Federal money on a direct matching basis. In the first year of implementation, approximately one-half of the states took advantage of the available funds and, only 5 years later, 49 of the 50 states utilized some of the monies. As a direct result of Title X, the ability to generate quality educational statistics for both state and Federal use improved dramatically.

In 1965, however, the picture changed when Congress passed the Elementary and Secondary Education Act which provided funds, under Title V, for the general improvement of State Education Agencies removing any specific appropriation for educational statistics. As a result, in many states, the statistics program often suffered in the contest for funds with other, more pressing, needs. Since 1965 there has been an ever-increasing demand for educational information from the Federal level concurrently with the decline of funds available to states for development of efficient reporting systems. This contradiction has been overlooked both in testimony before the Congress and in the Report of the Commission on Federal Paperwork.

The task of reducing paperwork is not a one-time, short-term effort, nor is there one solution available to these problems. It was recommended earlier that the establishment of a centralized data base at the Federal level would be an important step forward in solving the paperwork problem. Similarly, building streamlined information systems in State Education Agencies will substantially improve the reliability

and timeliness of educational statistics at both the State and Federal levels and, at the same time, affect the data burden placed on local education agencies.

Many states are exhibiting a renewed interest in improving the capacity of their educational data systems, but they have committed all the resources they can to this effort. A recent survey of State Education Agencies showed that in almost one-third of the states, Federal dollars represent less than 20 percent of total expenditures for these activities. In over one-half of the states the Federal contribution is less than 40 percent.

Current levels of Federal assistance are inadequate. If states are to make significant improvements in their information systems capability--improvements which will ultimately benefit the Federal statistical system--they must have help.

The National Center for Education Statistics has been mandated in Public Law 93-380 to "assist state and local educational agencies in improving and automating their statisical and data collection activities." To date, the assistance program of NCES has been woefully under-funded. Additional support of this program is needed immediately.

The Council recommends that the Congress enact legislation which will provide direct grants to State Education Agencies for the improvement and automation of their statistical and data collection activities. It is recommended that grants for each state be made through either a modification of ESEA, Title IV or the legislative mandates to the National Center for Education Statistics.

The Council feels that acceptance and implementation of the above recommendations by the Congress will have a dramatic impact on both reducing the Federal data burden and assuring the validity and reliability of information that is collected.

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Executive Secretary
BYRON W. HANSFORD

20 APRIL 1977

POSITION STATEMENT

SIMPLIFICATION AND CONSOLIDATION OF FEDERAL EDUCATION PROGRAMS

The Council of Chief State School Officers (CCSSO) is an independent organization of state superintendents and commissioners of education from the 50 states and the six extra-state jurisdictions. The Council is dedicated to assisting its members, and State Education Agencies (SEA) meet the goal of delivering quality educational services to children through relevant programs of instruction. However, increasing costs, including teachers' salaries, curriculum development, energy, building maintenance, and administration have almost surpassed available resources for such purposes.

While the Council appreciates the assistance of the Federal government, instead of lessening the burden on SEA resources, the assistance has, in fact, placed additional burdens in the areas of governance, coordination of programs, and increased paperwork. These program requirements complicate the work of the SEA and take valuable staff time

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and revenues from more worthwhile education programs. Accordingly, the Council is directing its efforts toward:

- Simplifying the administration of Federal education programs
- Holding to a minimum paperwork requirements
- Developing Federal education programs which supplement and support State and local programs

The Council believes that the dollars saved through the implementation of these three recommendations could then be directed toward the common Federal-State goal of delivering services to children.

Simplifying the Administration of Federal Education Programs

The Council believes that Federal policies should strengthen, support, and enhance the capabilities of State and local education agencies to administer their operations efficiently. In many cases, however, this has not been the result. For instance, the number of Federal regulations pertaining to education legislation is increasing every year, and it has become increasingly difficult to review regulations for administrative purposes. Moreover, member States are concerned that conflicting interpretations of the same regulations by O.E. personnel, program officers, on-site evaluation teams and auditors further complicate the smooth flow of funds and, consequently, the delivery of quality education to children. A third illustration of the problem is the additional layer of governance and procedures that often is imposed by Federal legislation and regula-

tions. The establishment of State and local advisory councils, for example, with the right to hire staff, control their own budget, and evaluate SEA programs does not enhance coordination and efficient operation. Such councils have become, in reality, an additional layer of government leading to unnecessary administrative problems for State and local agencies. Such prescriptive requirements have no clear link to the objectives that both the Federal and State governments are attempting to achieve: quality education for all citizens.

The Council recommends, therefore, that all Federal legislation and regulations provide for uniformity of requirements and, whenever possible, utilize the already established State delivery system. In addition, effort should be made to solicit input from State officials so that the administration of Federal education programs can be simplified to provide for efficient delivery of education services to children.

Holding to a Minimum the Increase in Paperwork

Since the 1965 passage of the Elementary and Secondary Education Act, reporting and record keeping requirements imposed on State Education Agencies have outstripped the ten-fold increase in funds. State funds originally intended to help children have been diverted to fulfill increased reporting requirements, most of which have little or no bearing on the child in the classroom. For example, if one stacked all the forms required by the U.S. Office of Education for Federal education activities in the States, the stack would weigh 24 pounds and be 11 inches high.

While the Council recognizes the need for the collection of reliable and adequate data, it is opposed to requests for redundant or unnecessary data. The Council, therefore, urges Congress and the Federal agencies to:

- Implement data standards and systems, in coordination with the SEAs, so that the burden of data requirements is minimized.
- Consolidate, simplify and reduce the total data requirements.
- Fully involve State and local education agency personnel including the Committee on Evalution and Information Systems (CEIS) in planning a realistic and achievable schedule for timely and reliable reports.
- Analyze current capacity and proposed funding to assure that sufficient funds are provided to State and local agencies to meet the Federal data demands.

Developing Federal Education Programs Which Supplement and Support State and Local Programs

In view of the Constitutional responsibility of States to provide education to its children, the Council urges that whenever possible Federal education assistance should supplement and support State and local programs and priorities. In many instances this has not been the case. While the Federal government is to be commended for assisting States in coping with problems common to all States, the solutions to these problems cannot be found through the imposition of national standards. Rather, each State must be allowed to educate its children using its proven administrative structure, according to its established priorities and in the context of its own setting. Federal education policies consistently should recognize the Consti-

tutional and statutory State-local governance structure of education, and should assist the States in meeting its needs.

Congress should establish national priorities, provide funds for States to achieve these priorities, and provide a mechanism to evaluate the effectiveness of States' efforts towards these goals, rather than mandate on each State how it should structure its educational system, what data it must collect and report, and how local educational activities must be performed. Let States receive broad national direction from the Congress in carrying out their specific State responsibilities and provide a monitoring mechanism for the Congress and the public to gauge the progress of States to this end.

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21 APRIL 1977

POSITION STATEMENT

EDUCATION --
A PRIMARY STATE RESPONSIBILITY
IN OUR FEDERAL SYSTEM

The Council of Chief State School Officers (CCSSO) in its 1977 Policy Statements resolved that "Federal monies for support of educational activities in each State must be received and distributed by the State Education Agency." This, in the opinion of the Council, is essential if States are to achieve the most efficient and effective delivery of instructional services to children and youth.

According to the 10th Amendment to the U.S. Constitution, "powers not delegated to the United States by the Constitution, not prohibited by it to the States, are reserved to the States respectively, or to the people." Therefore, since the Federal Constitution is silent on education, States have developed structures to deliver instructional services to children in order to carry out their Constitutional responsibilities.

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In each State, an office or agency charged with the responsibility for State level direction and governance of elementary and secondary education has been established. In some States, a single agency has been assigned responsibility for all levels and kinds of education, but in most States one agency governs elementary and secondary levels, including vocational education, while one or more agencies govern other levels or segments of education. The agency responsible for elementary and secondary education is commonly known as the "State Education Agency," (SEA) and generally consists of a State Board of Education, a Chief State School Officer, who may be referred to as Superintendent of Public Instruction or Commissioner of Education, and a State Department of Education, which is made up of a professional and support staff.

Because of increased concern about the national priority of education over the past few decades, Congress has provided assistance to States to meet the overwhelming educational needs which cannot be met with existing State resources. While this assistance has been greatly appreciated by the States, there has developed an element of mistrust by the Federal government of State competency and ability to deliver service. The level of professionalism and competency at the State level of education has improved greatly in the past decade, but program requirements for Federal education assistance often has been geared to the lowest common denominator of State performance.

Indeed, it is significant that all Federal education legislation specifically prohibits Federal control of education. Section 404 (b) of P. L. 94-482, the Education Amendments of 1976, clearly defines the scope of Federal involvement:

> NO PROVISION OF ANY APPLICABLE PROGRAM SHALL BE CONSTRUED TO AUTHORIZE ANY DEPARTMENT, AGENCY, OR OFFICER OR EMPLOYEE OF THE UNITED STATES TO EXERCISE ANY DIRECTION, SUPERVISION, OR CONTROL OVER THE CURRICULUM, PROGRAM OF INSTRUCTION, ADMINISTRATION, OR PERSONNEL OF ANY EDUCATION INSTITUTION, SCHOOL, OR SCHOOL SYSTEM . . ."

It is generally understood that this language reflects the real concern that Federal control of education would destroy the strength and diversity of the various State administered education systems. However, by providing funds to local education agencies (LEA) directly, with no relationship to State policies, the Federal government has undermined established State structures and priorities. State Departments of Education are familiar with the school districts of the State, and are aware of their needs, as well as of their capabilities, for dealing with local problems.

In administering Federal categorical programs, a major problem concerns the allocation of funds among competing school districts. State Education Agencies are familiar with the major differences between the various school districts. They regularly accomodate these differences, and make allowances that will assure the districts with top proposal writers don't get most of the funds. Federal personnel are not equipped to recognize these rather unique characteristics.

Inflexible mandated allocation formulas inevitably result in mis-allocation and the shortchanging of many children with special needs. In our increasingly mobile society, mandated allocation criteria based on population characteristics based on data from the past 5 to 10 years rapidly become outdated. States can much better target Statewide needs to correct for demographic changes and to ensure more equitable resource allocations. Moreover, Federal requirements for planning and evaluation can only be achieved at the State level, because LEAs' staff and resources are too small to do effective long range planning. School districts do not have either capability or resources for evaluating effects.

A major goal of every State is the equilization of educational opportunity. This is both a State commitment and a Court mandate. However, bypassing SEAs without any relationship to the State funding equalization program makes equalization impossible. For instance, a good State-financed program will be based on identifiable needs, for which States allocate additional money. Federal money on top of this just tends to disequalize efforts. To illustrate, Michigan and California have excellent programs of compensatory education for disadvantaged children. However, Federal Title I, ESEA money to achieve the same purpose is directed to school districts, flowing through the SEA, according to a strict allocation formula which bears no relationship to the State program.

The impact is that one county may have more money than another, unrelated to the need for Federal funds, resulting in disequalization.

The Federal government through Title VII, ESEA, Bilingual Education, and the Lau v. Nichols Supreme Court decision has required States to provide bilingual education for those children who speak English as a second language. Even before this Federal mandate, many States instituted large programs of bilingual education in their schools. Yet, Title VII, ESEA funds flow directly from the Federal government to local school districts, ignoring State policy and procedures for implementing bilingual programs according to needs. Because of previously existing State programs, some school districts are large recipients of State bilingual education money in addition to Federal funds -- disequalizing the funding; yet equalization of education programs is a requirement of the legislation. The Federal legislation should respect the existence of State law and seek to be compatible so that States can make the most effective use of the resources available.

The Public Words Employment Act (Jobs Bill), passed in the last Congress to help alleviate unemployment, has caused problems for State planning in education. The distribution formula for funds is based on the rate of unemployment. In some States, school districts received Federal funds to build new buildings and renovate facilities. Some of these facilities had been scheduled to be phased out in line with reorganization and consolida-

tion plans in the State. Again, the Federal government inadvertently undermined State priorities in education.

In conclusion, we recommend that all Federal education assistance flow directly to State Departments of Education for allocation to school districts. We suggest that it is the most efficient and effective procedure to deliver instructional service to children, youth and adults.

APPENDIX C

The recommendations of the Commission on Federal Paperwork cited in Part D of the report are reproduced below in their entirety. The Reader may wish to refer to Commission on Federal Paperwork - Education (April 29, 1977) for a complete explanation and discussion of the findings and recommendations of the Commission.

Recommendation No. 30

The Office of Management and Budget should provide for Federal coordination of education data production by requiring, in its forms clearance procedure, that all requests from any Federal agency for data from education respondents be coordinated through the HEW Assistant Secretary for Education prior to OMB clearance.

Recommendation No. 31

The Assistant Secretary for Education should use, as a common reference for all terms and definitions used in education data collection, the set of handbooks prepared by the National Center for Education Statistics (NCES) for that purpose, and all forms submitted for clearance should be made to conform to those terms and definitions.

Recommendation No. 32

The Assistant Secretary for Education should give high priority to the Common Core of Data program developed by the NCES to facilitate meaningful, comprehensive, and integrated data collection systems.

Recommendation No. 33

The Assistant Secretary for Education should further the implementation of the Education Division's data acquisition system by including in it an automated indexing system for cataloguing available data. This indexing function should extend to all agencies that collect education data, and adequate funding for this purpose should be requested.

Recommendation No. 34

The Assistant Secretary for Education should review all education data gathering instruments in the calendar year preceding collection and announce by the January preceding the start of the school year the data elements to be collected in September.

Recommendation No. 35

The Assistant Secretary for Education should develop the capacity of the Education Division to provide promptly, for multiple use by agencies, data already collected such as in surveys, applications, compliance reporting, management reporting, financial reporting and evaluation, and limit any further collections to those items not already in hand.

Recommendation No. 36

The Office of Management and Budget should urge all agencies, when they collect data only from education respondents, to provide nine-months advance notice of collection and to share their data collections with the Education Division for multiple uses wherever possible.

Recommendation No. 37

The education committees of Congress (i.e., the Senate Committee on Human Resources and the House Committee on Education and Labor) should review in every third Congress, beginning with the 95th Congress, the reports and studies they require of the Department of Health, Education, and Welfare in order to eliminate those no longer needed, consolidate those that can be combined, and make the remainder compatible with an overall plan for reporting.

Recommendation No. 38

The education committees of Congress should recognize January 1 as the latest date by which Federal agencies should announce the specific education data to be collected at the start of the following school year, to provide sufficient lead time for States and institutions to include such data in their annual acquisition plans.

Recommendation No. 39

The education committees of Congress should hold hearings on proposed regulations or data gathering forms that are developed from laws whenever agencies and respondents indicate a need for guidance in preparing or responding to the ensuing regulations or forms.

Recommendation No. 40

Federal agencies planning to gather data from educational institutions or State or local education agencies should consult these groups and/or their associations before making decisions on either the scope or the form of the requirement.

Recommendation No. 41

Education respondent groups should provide consultation and comment to Congress and to the agencies when consulted in advance and when notices are published in the Federal Register concerning data collection or rulemaking.